

FENWICK & WEST LLP
ATTORNEYS AT LAW
MOUNTAIN VIEW

1 LAURENCE F. PULGRAM (CSB NO. 115163)

lpulgram@fenwick.com

2 ALBERT L. SIEBER (CSB NO. 233482)

asieber@fewick.com

3 LIWEN A. MAH (CSB NO. 239033)

lmah@fenwick.com

4 FENWICK & WEST LLP

555 California Street, 12th Floor

San Francisco, CA 94104

Telephone: (415) 875-2300

6 Facsimile: (415) 281-1350

7 PATRICK E. PREMO (CSB NO. 184915)

ppremo@fenwick.com

8 DENNIS M. FAIGAL (CSB NO. 252829)

dfaigal@fenwick.com

9 FENWICK & WEST LLP

Silicon Valley Center

10 801 California Street

Mountain View, CA 94041

11 Telephone: (650) 988-8500

12 Facsimile: (650) 938-5200

13 Attorneys for Plaintiff SUCCESSFACTORS, INC.

14 UNITED STATES DISTRICT COURT

15 NORTHERN DISTRICT OF CALIFORNIA

16 OAKLAND DIVISION

17
18 SUCCESSFACTORS, INC., a Delaware
19 corporation,

20 Plaintiff,

21 v.

22 SOFTSCAPE, INC., a Delaware
23 corporation; and DOES 1-10, inclusive,

24 Defendants.

Case No. CV 08 1376 CW

**DECLARATION OF JAMES MATHESON IN
SUPPORT OF PRELIMINARY INJUNCTION
AND EXPEDITED DISCOVERY**

Date: March 27, 2008

Time: 2:00 p.m.

Courtroom: 2

Judge: Hon. Claudia Wilken

Date of Filing: March 11, 2008

Trial Date: No date set

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27 ///

28 ///

1 I, James Matheson, declare as follows:

2 1. I am Director of Web Operations and have been employed at SuccessFactors, Inc.
3 ("SuccessFactors") since August 2005. I make this declaration of my own personal knowledge,
4 except to any extent otherwise specified. If called as a witness, I could and would testify
5 competently to the facts set forth herein.

6 2. As I stated in my prior declaration submitted in support of SuccessFactors'
7 Application for a Temporary Restraining Order filed on March 11, 2008 (Dkt. No. 18), I analyzed
8 the PowerPoint Presentation entitled "The Naked Truth" and confirmed that portions of the slides
9 contained content from a password-protected sales demo account (ACE275) assigned to
10 SuccessFactors' Regional Sales Manager Latin America and Caribbean, Jorge Corrales.

11 3. I understand that Mr. Corrales participated in two demonstrations held on
12 February 19, and 21, 2008, for a customer prospect identified as "New Millenium [sic] Shoe" at
13 www.newmilleniumshoe.com. The sales demonstrations were held using Citrix, which allows the
14 sales representative to demonstrate SuccessFactors' software products via the internet to prospective
15 customers in remote locations.

16 4. I reviewed the meeting history and screenshots showing attendees of the two
17 meetings from Mr. Corrales' Citrix account, which are attached as Exhibit 2 to Mr. Corrales'
18 supporting declaration.

19 5. The records show the first demo was performed on February 19, 2008 at
20 approximately 11 am EST for the prospective customer, Ely Valls, of New Millenium Shoe. I
21 understand that a second demonstration was performed by Mr. Corrales along with SuccessFactors
22 Senior Solutions Consultant, Jose Lopez, for Ms. Valls and her consultant, Javier Cruz.

23 6. On March 20, 2008, I received from an account manager at Citrix the IP addresses
24 associated with the persons that logged into the Citrix demos. Attached as Exhibit 1 is a true and
25 correct copy of the email that I received from Citrix.

26 7. The records show the IP address associated with ely@newmilleniumshoe.com for
27 the February 19, 2008 is **IP 98.216.168.122**, which appears to be an IP address attached to an
28 individual Comcast cable user in Watertown, Massachusetts. This is the same IP address I

1 identified in my prior declaration as having accessed the ACE275 account on four separate dates.
 2 See prior J. Matheson Declaration. 03.11.08, at ¶ 15 & Ex. 8.

3 8. It also shows that the IP address associated with ely@newmilleniumshoe.com for
 4 the February 21, 2008 meeting is **IP 68.236.68.19**. I verified in my last declaration that this is the
 5 IP address associated with Softscape's headquarters in Wayland, Massachusetts. See prior
 6 J. Matheson Declaration dated 03.11.08, ¶¶ 9-10 & Exs. 1-3.

7 9. I reviewed the site at www.newmilleniumshoe.com. It is a static website, which
 8 does not permit the user to access any other pages. I determined that the newmilleniumshoe.com
 9 IP address is: 205.178.152.35. The website is registered via Network Solutions and is a secure or
 10 anonymous type registration. All the contact information is actually tied to Network Solutions and
 11 the true identity is maintained by them. The registration information for the
 12 newmilleniumshoe.com website is therefore not publicly known. According to my search, the
 13 IP location for this address is in Canada. Attached as Exhibit 2 is a true and correct printout of the
 14 results of the internet search that I conducted on this IP address.

15 10. I searched LinkedIn, a professional networking site, on the name, Javier Cruz, in an
 16 effort to identify the consultant that participated in the February 21 sales demo. I received several
 17 "hits," including someone who identifies himself as an "agent at ss" in the Montreal, Canada area.
 18 In our industry, "ss" is used as shorthand for Softscape. Attached as Exhibit 3 is a true and correct
 19 copy of the LinkedIn profile.

20 11. I went back and re-reviewed the ACE demo logs to verify when certain IP addresses
 21 accessed ACE275. The information below is consistent with my prior March 11 declaration.
 22 The chronology for the two IP addresses that participated in the February 19 and 21 demos is as
 23 follows:

- 24 • **IP 98.216.168.122** (Comcast Cable subscriber, Watertown, Mass) had its first
 25 successful login of ACE275 on February 18, 2008, and again on February 19,
 26 20, 21 and 22, 2008.

27 ///

28 ///

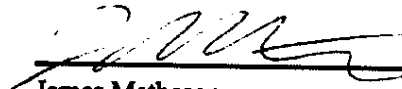
- IP 68.236.68.19 (Softscape, Inc., Wayland, Mass) has its first successful login on February 19 and again on February 21, 2008.

12. Since ACE demo accounts are password-protected, uniquely assigned to SuccessFactors sales representatives, and contain confidential, proprietary information, there is no reason for Softscape or any other competitor to have logged-in to this environment.

13. Since my last declaration submitted on March 11, 2008, I spent an additional 15 hours further investigating to determine how Softscape could have gained access to the sales demo account and determine if any other confidential sales demo accounts had been compromised. It represents time spent from March 11 through today. It is extremely important for us to determine the source of the break-in so that we can re-secure the environment and prevent future unauthorized entries.

14. As director of web operations, I oversee a team that is responsible for all of SuccessFactors' corporate websites. I have a deep understanding and extensive experience reviewing and analyzing log files. I am ideally positioned within the company to analyze the log records and determine how, when and, if possible, who accessed SuccessFactors' websites and demo accounts on various dates. If I were to offer similar services analyzing these records, I estimate my hourly rate would be approximately \$250 per hour.

I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct, and that this declaration was executed this 21st day of March, 2008, in San Mateo, California.


James Matheson

1282296

EXHIBIT 1 TO DECLARATION OF JAMES MATHESON

REDACTED

REDACTED

REDACTED

REDACTED

-----Original Message-----

From: Dawn Meyer [mailto:Dawn.Meyer@citrix.com]
Sent: Wednesday, March 19, 2008 7:45 PM
To: Jim Matheson
Subject: Webinar Attendee IP Address

Hi Jim -

Sorry it took a while...hopefully it's still useful for you.

Let me know if this gets what you need.

Dawn

EMAIL
INTERNALIPS
JOINTIME

EXTERNALIP

NAME

ely@newmilleniumshoe.com
<mailto:ely@newmilleniumshoe.com>
192.168.1.51,0.0.0.0,0.0.0.0
2008-02-19 08:01:00 ely

98.216.168.122

ely@newmilleniumshoe.com
<mailto:ely@newmilleniumshoe.com>
192.168.1.81,0.0.0.0,192.168.229.1
14:04:48 ely

68.236.68.19
2008-02-21

Dawn Meyer | Account Manager, Key Clients
Office: 805.690.7946

From: Jim Matheson [mailto:jmatheson@successfactors.com]
Sent: Monday, March 10, 2008 9:59 PM
To: Dawn Meyer
Subject: Citrix Event Attendee Request

Hi Dawn,

I have a specific Citrix past event that I am looking at and I was hoping to get the IP address of the user that attended. I know with the regular reporting it only shows their email address. Is that something your team could provide to me?

Thanks,
Jim

Jim Matheson
Director, Web Ops & Search Marketing
SuccessFactors Inc.
650-645-2367
jmatheson@successfactors.com

EXHIBIT 2 TO DECLARATION OF JAMES MATHESON

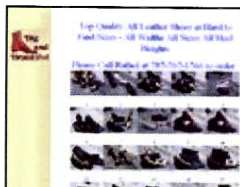
WHOIS Search Results

Available newmilleniumshoe extensions:

.net	.org	.us	.mobi	.info	.biz	.de	.tv	.co.uk	.eu	.bz
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

[Order Selected Domain\(s\)](#)

Your WHOIS Search Results



newmilleniumshoe.com

Services from Network Solutions:

[Certified Offer Service](#) - Let us help you get this domain name!

[Backorder](#) - Try to get this name when it becomes available.

[SSL Certificates](#) - Get peace of mind with a secure certificate.

[Enhanced Business Listing](#) - Promote your business to millions of viewers for only \$1 a month!

Visit AboutUs.org for more information about NEWMILLENIUSSHOE.COM [AboutUs: NEWMILLENIUSSHOE.COM](#)

Registrant:

New Millenium Shoe
ATTN: NEWMILLENIUSSHOE.COM
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P.O. Box 447
Herndon, VA 20172-0447

Domain Name: NEWMILLENIUSSHOE.COM

Promote your business to millions of viewers for only \$1 a month!

Learn how you can get an Enhanced Business Listing here for your domain name.

[Learn More](#)

Administrative Contact :

New Millenium Shoe
xu6uv2rj54w@networksolutionsprivateregistration.com
ATTN: NEWMILLENIUSSHOE.COM
c/o Network Solutions
P.O. Box 447
Herndon, VA 20172-0447
Phone: 570-708-8780

Technical Contact :

New Millenium Shoe
xu6uv2rj54w@networksolutionsprivateregistration.com
ATTN: NEWMILLENIUSSHOE.COM
c/o Network Solutions
P.O. Box 447
Herndon, VA 20172-0447
Phone: 570-708-8780

Record expires on 10-Dec-2009

Record created on 10-Dec-2004

Database last updated on 03-Dec-2007

Domain servers in listed order:

[Manage DNS](#)

[NS91.WORLDDNIC.COM](#)

205.178.190.46

[NS92.WORLDDNIC.COM](#)

205.178.144.46

This listing is a Network Solutions Private Registration. Mail correspondence to this address must be sent via USPS Express Mail™ or USPS Certified Mail®; all other mail will not be processed. Be sure to include the registrant's domain name in the address.

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Optimization

Attend our
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Search Engines

TOP SECRET

think local.com


Help your customers find
you. Take advantage of a
free ThinkLocal listing today!

[Join Now!](#)

It's smart to
ThinkLocal™

[Show underlying registry data for this record](#)

Current Registrar: NETWORK SOLUTIONS, LLC.
IP Address: [205.178.152.35](#) (ARIN & RIPE IP search)
IP Location: CA(CANADA)-ONTARIO-TORONTO
Record Type: Domain Name
Server Type: Apache 2
Lock Status: clientTransferProhibited
Web Site Status: Active
DMOZ no listings
Y! Directory: [see listings](#)
Web Site Title: Home Page
Secure: No
E-commerce: No
Traffic Ranking: Not available
Data as of: 25-Feb-2008

Search 


SEARCH AGAIN

Enter a search term:

e.g. networksolutions.com

Search by:

- ☒ [Domain Name](#)
☐ [NIC Handle](#)
☐ [IP Address](#)

Search 

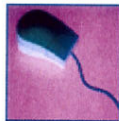


Need to get your business online?

Our professional designers can build a [custom Web site](#) for your business.

\$11.95/month, plus a \$499.00 design fee

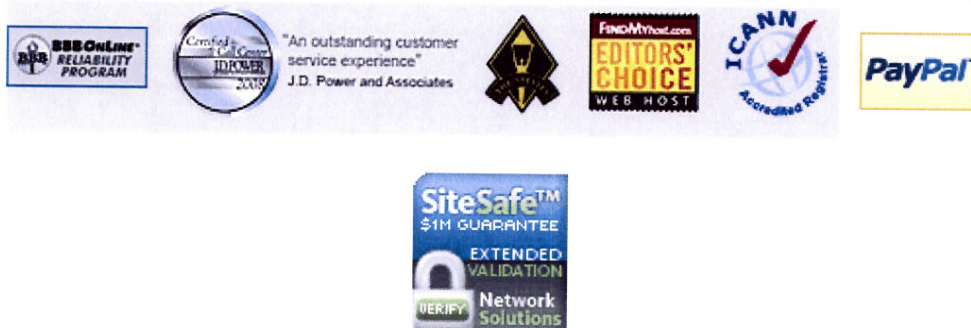
Go 



PerformanceClicks™ from Network Solutions

Create and manage your [pay per click advertising](#) from as low as \$125/month plus \$99 one time set-up fee

Go 



100% Secure Transaction

For your protection, this Web site is secured with the highest level of SSL Certificate encryption.

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EXHIBIT 3 TO DECLARATION OF JAMES MATHESON



Advanced Search

[Home](#)

[Profile](#)

[Contacts](#)

[Inbox](#)

[Groups](#)

[Add Connections](#)

NO PHOTO

**Patrick
Premo**

Litigation Partner at
Fenwick and West

What are you working on?



Your profile is 40%
complete

Forward this profile

Javier Cruz

agent at ss
Montreal, Canada Area

Current • agent at ss

Connections  1 connection

Industry Facilities Services

Public Profile <http://www.linkedin.com/pub/2/754/90>

Expanded profile views are available only to Business
account holders. **Upgrade your account.**

Contact Settings

Interested In:

- consulting offers
- new ventures
- job inquiries
- expertise requests
- business deals
- reference requests
- getting back in touch



Advanced Search

[Home](#)

[Profile](#)

[Contacts](#)

[Inbox](#)

[Groups](#)

[Add Connections](#)

NO PHOTO

**Patrick
Premo**

Litigation Partner at
Fenwick and West

What are you working on?



Your profile is 40%
complete

[Forward this profile](#)

Javier Cruz

Owner, QW Consulting, S.C.
Mexico City Area, Mexico

Current

• Owner at **QW Consulting, S.C.**

Connections

1 connection

Industry

Professional Training & Coaching

Public Profile

<http://www.linkedin.com/pub/7/3b1/382>

Expanded profile views are available only to Business
account holders. **Upgrade your account.**

Contact Settings

Interested In:

- consulting offers
- job inquiries
- expertise requests
- business deals
- reference requests
- getting back in touch



Advanced Search

Home

Profile

Contacts

Inbox

Groups

Add Connections

NO PHOTO

**Patrick
Premo**

Litigation Partner at
Fenwick and West

What are you working on?



Your profile is 40%
complete

Forward this profile

Javier Cruz

International Sales LatAm
Miami/Fort Lauderdale Area

Connections



1 connection

Industry

Management Consulting

Public Profile

<http://www.linkedin.com/pub/0/671/578>

Summary

Specialties:

International sales, Latin America

Expanded profile views are available only to Business
account holders. **Upgrade your account.**

Contact Settings

Interested In:

- career opportunities
- consulting offers
- new ventures
- job inquiries
- expertise requests
- business deals
- reference requests
- getting back in touch